

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BSD, INC., a California corporation; 21st
CENTURY GROUP, INC., a California
corporation; and YOUSTINE, INC., a California
corporation,

Plaintiffs,

v.

EQUILON ENTERPRISES, LLC, a Delaware
limited liability company, ANABI OIL
CORPORATION, a California corporation, and
DOES 1 through 100, Inclusive,

Defendants.

Case No. 10-CV-05223-SBA

**ORDER RE STIPULATION RE
FILING OF TWO MOTIONS FOR
SUMMARY JUDGMENT BY
EQUILON ENTERPRISES LLC**

Complaint Filed: November 2, 2010

Dept.: Courtroom. 1, 4th Floor
Judge: Hon. Sandra B. Armstrong
Mag. Judge: Hon. Jacqueline S. Corley
Trial Date: June 25, 2012

AND RELATED COUNTERCLAIMS.

The parties to this action have submitted a stipulation, agreeing as follows:

Defendant, Counter-Claimant and Counter-Defendant Equilon Enterprises LLC, dba Shell Oil Products US (“Equilon”) may file in this action two motions for summary judgment/adjudication as follows:

1. The first motion shall be limited to adjudication of the following counterclaims brought by Equilon against Plaintiff, Counter-Defendant and Counter-Claimant Youstine, Inc.: (1)

1 First Counterclaim for Relief for Breach of Contract.; and (2) Third Counterclaim for Relief for
2 Declaratory Relief.

3 2. With regard to Equilon’s Third Counterclaim for Relief for Declaratory Relief,
4 Equilon shall only seek a determination by the Court as a matter of law that: (1) Equilon’s
5 termination of Youstine, Inc.’s Petroleum Marketing Practices Act (“PMPA”) franchise agreements
6 complied with the PMPA; and (2) Equilon properly terminated the Right of First Refusal Offer it
7 presented to Youstine, Inc. to purchase the land, equipment and improvements located at 2600
8 Pellissier Place, City of Industry, California.

9 3. The second motion shall be limited to the claims brought by Plaintiffs BSD, Inc., 21st
10 Century Group, Inc. and Youstine, Inc. in their Complaint.

11
12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13
14 Dated: 3/16/12

15 
16 _____
17 HON. SAUNDRA B. ARMSTRONG
18 UNITED STATES DISTRICT COURT JUDGE
19
20
21
22
23
24
25
26
27
28